

November 20, 2019

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, NOVEMBER 20, 2019, 9:00 AM

PLEASE NOTE CHANGE IN MEETING LOCATION:
COUNTY OPERATIONS CENTER
CAMPUS CENTER CHAMBERS
5520 OVERLAND AVENUE
SAN DIEGO, CA 92123

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Greg Cox, Vice-Chairman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

- B. Closed Session Report

- C. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

- D. Approval of the Statement of Proceedings/Minutes for the meeting of October 30, 2019.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 30, 2019.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

- E. Formation of Consent Calendar

- F. Discussion Items

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | NOTICED PUBLIC HEARING:
GENERAL SERVICES - HOLD HEARING - MCCLELLAN-PALOMAR AIRPORT -PURCHASE OF REAL PROPERTY FROM DURKIN-CAC LOT 24, LLC - ASSESSOR'S PARCEL NUMBER 212-091-02
[FUNDING SOURCE: AVAILABLE PRIOR YEAR FUND BALANCE IN THE AIRPORT ENTERPRISE FUND]
(4 VOTES) |
| 2. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR VALLE VISTA ROAD BYPASS (SC 1791) IN THE LAKESIDE AREA (VACATION NO. 2019-0106)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 3. | APPROVE REIMBURSEMENT AGREEMENT BETWEEN SAN DIEGO GAS AND ELECTRIC COMPANY AND THE COUNTY OF SAN DIEGO FOR SUNRISE HIGHWAY ROAD RESTORATION PROJECT IN MOUNT LAGUNA |
| 4. | ESTABLISH APPROPRIATIONS AND APPROVE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN CAJON VALLEY UNION SCHOOL DISTRICT AND COUNTY OF SAN DIEGO FOR THE SHARED USE OF A WELL SYSTEM AT LONNY BREWER PARK AND RECREATIONAL FACILITIES AT HILLSDALE PARK
[FUNDING SOURCE: AVAILABLE PRIOR YEAR FUND BALANCE IN THE CSA 26 RANCHO SAN DIEGO FUND]
(4 VOTES) |
| 5. | GILLESPIE FIELD - NEW AVIATION LEASE WITH CIRCLE AIR GROUP, LLC
[FUNDING SOURCE: INCREASED RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE NEW LEASE]
(4 VOTES) |
| 6. | ESTABLISH APPROPRIATIONS AND APPROVE THE ELEVENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE VALLEY CENTER PARKS AND RECREATION DISTRICT AND THE COUNTY OF SAN DIEGO
[FUNDING SOURCE: AVAILABLE PRIOR YEAR PLDO AREA 38 VALLEY CENTER FUND FUND BALANCE]
(4 VOTES) |
| 7. | SET A HEARING FOR 12/11/2019:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA FLECHA IN THE SAN DIEGUITO AREA - VACATION NO. 2019-0104 (11/20/2019 SET HEARING TO VACATE; 12/11/2019 HOLD HEARING
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |

8. COLE GRADE ROAD IMPROVEMENT PROJECT: FINAL ENVIRONMENTAL IMPACT REPORT, NEGOTIATION AND ACQUISITION OF RIGHT-OF-WAY, AND FORMATION OF UNDERGROUND UTILITY DISTRICT (11/20/19 - FIRST READING; 12/11/19 - SECOND READING AND ADOPTION)
[FUNDING SOURCE: LOCAL SALES TAX FROM TRANSNET]
9. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137: PROCESSING INACTIVE PROJECTS
10. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP
11. ADOPT A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF GRANT FUNDING FROM THE BUILDING HOMES & JOBS ACT
12. TRAFFIC ADVISORY COMMITTEE (11/20/2019 - ADOPT RECOMMENDATIONS; 12/11/2019 - SECOND READING OF AN ORDINANCE)
13. ESTABLISH THE PALOMAR MOUNTAIN COMMUNITY SPONSOR GROUP
14. CLOSED SESSION (CARRYOVER FROM 11/19/19 AGENDA NO. 27)
15. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
GENERAL SERVICES - HOLD HEARING - MCCLELLAN-PALOMAR
AIRPORT -PURCHASE OF REAL PROPERTY FROM DURKIN-CAC
LOT 24, LLC - ASSESSOR'S PARCEL NUMBER 212-091-02
(DISTRICT: 5)**

OVERVIEW

On October 16, 2019 (11), the Board of Supervisors set a hearing for November 20, 2019.

The County of San Diego's (County) Department of Public Works (DPW) owns and operates a system of eight airports, including McClellan-Palomar Airport (Airport) in the City of Carlsbad. To protect people and property from the effects of potential aircraft incidents, areas at the end of runways known as Runway Protection Zones (RPZ) are created to keep the areas immediately off the end of the runways clear of activities that would attract people into those RPZs. The Federal Aviation Administration (FAA) encourages airport operators to own the property affected by the RPZ, where appropriate. On October 16, 2019 (11), the Board of Supervisors (Board) set a hearing to consider the purchase of a property in an RPZ located west of the Airport at 5817 Dryden Place (Property). The Property is owned by Durkin-CAC Lot 24, LLC and is also identified as Assessor's Parcel Number 212-091-02-00. Purchasing the Property will allow DPW to own and control additional property in the RPZ and prevent previously dismissed litigation relating to the Property from being reinstated.

The Property is situated within Safety Zone 1 of the Airport Land Use Compatibility Plan for the Airport and consists of 3.13-acres of land improved with a building approximately 29,900-square-foot in size. An 18,760-square-foot portion of the building is currently subject to a 5-year lease that expires on August 31, 2024 and a month-to-month auto parking lease.

On September 6, 2019, the County entered into an option agreement and County subsequently paid \$75,000 into escrow as option consideration to secure right to purchase the Property for the appraised value of \$6,000,000. If the Board approves purchasing the Property, a \$45,000 portion of the option consideration will be credited towards the purchase price, for a total remaining purchase price of \$5,955,000.

Today's request is for the Board to make the necessary environmental findings, approve the purchase of the Property, and authorize the appropriations of \$6,010,000 to fund the purchase of the Property and related acquisition expenses, based on available prior year fund balance in the Airport Enterprise Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are categorically exempt from review under Section 15378 (b)(4) of the California Environmental Quality Act (CEQA) Guidelines because they involve government fiscal activities that do not involve any commitment to a specific project that may result in a significant physical impact on the environment. Additionally, the proposed transfer of interest in land is exempt from review under Section 15061(b)(3) of the CEQA guidelines because it does not include any activity or change in the existing use of the property that may cause a significant impact on the environment.

2. Authorize the Director, Department of General Services, to exercise the option to purchase the property at 5817 Dryden Place, Carlsbad, California [APN 212-091-02] from Durkin-CAC Lot 24, LLC for the appraised value of \$6,000,000.
3. Authorize the Director, Department of General Services to execute the purchase and sale agreement, all escrow documents and any other documents necessary to complete the purchase.
4. Amend the Fiscal Year 2019-20 Airport Enterprise Fund Spending Plan by \$6,010,000 to provide funds to complete the purchase of the Durkin-CAC Lot 24, LLC Property, Assessor's Parcel Number 212-091-02-00, based on available prior year fund balance in the Airport Enterprise Fund. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in the Airport Enterprise Fund. If approved, this request will result in additional costs in Fiscal Year 2019-20 of \$6,010,000 for purchase of the Durkin-CAC Lot 24, LLC Property (remaining \$5,955,000 for the acquisition of the property after a credit of \$45,000 from the option consideration payment made in October 2019; \$5,000 for closing and title costs; and \$50,000 in related expenses necessary to put the asset into service). The funding source is available prior year fund balance in the Airport Enterprise Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended.

AYES: Cox, Jacob, Fletcher, Desmond

RECUSED: Gaspar

2. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR VALLE VISTA ROAD BYPASS (SC 1791) IN THE LAKESIDE AREA (VACATION NO. 2019-0106) (DISTRICT: 2)**

OVERVIEW

The Department of General Services, Real Estate Services Division is processing a request to summarily vacate a portion of an Irrevocable Offer of Dedication (IOD) over a portion of Valle Vista Road Bypass, also known as Select Collector (SC) 1791, that is located in Lakeside, an unincorporated area of the County that is within the Lakeside Community Plan Area. A summary vacation of an offer to dedicate a road may be requested by the public if the road is found to be excess right-of-way not required for road purposes. In many cases the road vacation can be a public benefit through improved use of the land made available by the vacation.

The portion of Valle Vista Road Bypass (SC 1791) that is the subject of this vacation request can be determined to be excess right-of-way not required for street or highway purposes because this portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway. Additionally, this portion of the IOD has never been accepted by the County, there are no existing in-use public facilities that rely on the franchise utility rights associated with an accepted public road right-of-way, and no property owner would be land-locked as a result of the proposed vacation. Therefore, this excess right-of-way may be summarily vacated in accordance with California Streets and Highways Code section 8334.

Today's request is to approve and adopt a resolution to summarily vacate a portion of an IOD over a portion of Valle Vista Road Bypass (SC 1791).

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) because the action does not have a direct or indirect effect on the environment as it will only result in the vacation of an unnecessary irrevocable offer of dedication.
2. Approve and adopt the attached Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR VALLE VISTA BYPASS (SC 1791) IN THE LAKESIDE AREA (VACATION NO. 2019-0106).
3. Direct the Clerk of the Board to record the Resolution pursuant to California Streets and Highways Code section 8336.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-177, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR VALLE VISTA BYPASS (SC-1791) IN THE LAKESIDE AREA (VACATION NO. 2019-0106).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. SUBJECT: APPROVE REIMBURSEMENT AGREEMENT BETWEEN SAN DIEGO GAS AND ELECTRIC COMPANY AND THE COUNTY OF SAN DIEGO FOR SUNRISE HIGHWAY ROAD RESTORATION PROJECT IN MOUNT LAGUNA (DISTRICT: 2)

OVERVIEW

The County of San Diego (County) Department of Public Works (DPW) is responsible for ensuring the nearly 2,000 centerline miles of roads in the unincorporated county are reliable and well-maintained to serve the public and help ensure safe and thriving communities. In 2017, DPW implemented a multi-year road resurfacing program to improve the condition of our roads in the unincorporated County. As part of DPW's multi-year road resurfacing program, portions of Sunrise Highway in Mount Laguna were identified to be resurfaced over a five-year period beginning in Fiscal Year 2017-18.

On May 26, 2016, the California Public Utilities Commission approved a permit request from San Diego Gas and Electric Company (SDG&E) to construct the Cleveland National Forest (CNF) Power Line Replacement Project in Mount Laguna (Project). The CNF Project will enhance the safety and reliability of their system by replacing existing electric infrastructure that currently serves the United States Forest Service, emergency service facilities, campgrounds, homes, businesses and other customers within the CNF and surrounding areas. The CNF Project includes converting approximately ten miles of existing overhead electrical distribution lines to underground within and along Sunrise Highway.

The County and SDG&E have previously executed a franchise agreement that allows SDG&E to install electric facilities within County-maintained roads, subject to certain requirements, including the responsibility to restore the roads to "as good" condition after they complete any work on the road. The CNF Project will require that SDG&E resurface a portion of Sunrise Highway following completion of the utility undergrounding work. Since both SDG&E and DPW are planning to resurface adjacent portions of Sunrise Highway following completion of SDG&E's CNF Project, DPW and SDG&E have coordinated efforts and have agreed that the inconvenience to the public resulting from multiple road resurfacing contracts would be reduced if DPW performed the road restoration work on behalf of SDG&E in conjunction with DPW's planned resurfacing work. The consolidation of the resurfacing activities into a DPW construction contract will ensure that the work is performed using current County resurfacing standards and is managed and inspected by DPW staff. The consolidation of the work should also result in decreased overall project costs to the public since resurfacing activities will be performed as a single, continuous, resurfacing project, rather than 2 separate projects. DPW developed a cost estimate to perform the road restoration work for SDG&E totaling \$3,900,000. The estimate includes all costs for project development and construction, adjusted with a cost inflation index, as well as a cost contingency to cover unexpected items of work. SDG&E has agreed to pay the County \$3,900,000 in Fiscal Year 2019-20 for the future restoration of the area impacted by SDG&E's CNF Project. SDG&E will remain responsible for the trench restoration and maintenance of the road during their CNF Project in accordance with this reimbursement agreement

This is a request to authorize the Clerk of the Board to execute, upon receipt, a reimbursement agreement with SDG&E for payment of costs to the County to complete surface restoration work necessitated by SDG&E's undergrounding Project.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15301 and 15302 of the California Environmental Quality Act (CEQA) Guidelines that approval of the Reimbursement Agreement is categorically exempt from CEQA review because the project involves the restoration of the surface of an existing road following the completion of work to underground overhead power lines.
2. Authorize the Clerk of the Board to execute, upon receipt, the Agreement with San Diego Gas and Electric Company for Sunrise Highway Road Restoration Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the agreement.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations to approve the agreement with SDG&E. If approved, the Department of Public Works will accept a contribution of \$3,900,000 from SDG&E in Fiscal Year 2019-20 for the additional road restoration work required by SDG&E's undergrounding project. The necessary appropriations for the road-resurfacing program, including the road restoration of Sunrise Highway, will be brought before the Board of Supervisors for consideration as part of future years Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN CAJON VALLEY UNION SCHOOL DISTRICT AND COUNTY OF SAN DIEGO FOR THE SHARED USE OF A WELL SYSTEM AT LONNY BREWER PARK AND RECREATIONAL FACILITIES AT HILLSDALE PARK (DISTRICT: 2)**

OVERVIEW

The County of San Diego Department of Parks and Recreation (DPR) operates 132 facilities throughout the region. At times, DPR partners with other organizations to provide enhanced park and recreational opportunities through a Joint Exercise of Powers Authority (JEPA). One such JEPA is with the Cajon Valley Union School District (CVUSD) which allows for the joint operation of Hillside Park in the community of Rancho San Diego. As part of today's action, the JEPA would be renewed to replace the playground structures at Hillside Park and allow CVUSD to extend well service from Avocado Elementary School to Lonny Brewer Park.

Hillsdale Park is a half-acre park located on CVUSD property and includes two playground structures that have reached the end of their useful life and are in need of replacement. On March 7, 1995, (16) the Board of Supervisors approved a JEPA with the CVUSD for operation and maintenance of the park. Funding to replace the playground structures was included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund. The new JEPA will authorize the County to replace the old structures and will extend the operation of Hillsdale Park as a public park for the next 25 years.

Lonny Brewer Park is a five-acre park operated and maintained by DPR and located adjacent to Avocado Elementary School. The park includes picnic facilities and a large grassy area. On December 5, 2017 (17), the Board of Supervisors approved the allocation of \$200,000 from the District Two Neighborhood Reinvestment Program to the CVUSD to partially fund the installation of a groundwater well to provide irrigation water at Avocado Elementary School. The CVUSD has completed installation of the groundwater well and has offered the County the use of water generated from the well to irrigate Lonny Brewer Park. Today's proposed action will establish appropriations of \$75,000 in CSA 26 Rancho San Diego and approve a JEPA for CVUSD to extend the well system into the park. The extension of the well will help offset the annual cost of purchasing water for irrigation.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are exempt for review under the California Environmental Quality Act (CEQA) pursuant to sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and 15304 (Minor Alterations to Land) of the State CEQA Guidelines.
2. Establish appropriations of \$75,000 in County Service Area 26 Rancho San Diego, Services & Supplies, to fund the extension of the well system into Lonny Brewer Park, based on available prior year County Service Area 26 Rancho San Diego Fund fund balance. (4 VOTES)
3. Authorize the Director, Department of Parks and Recreation, or designee, to execute a Joint Exercise of Powers Agreement with the Cajon Valley Union School District for the development and shared use of a well at Lonny Brewer Park and the installation and operation of recreational amenities at Hillsdale Park.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in County Service Area (CSA) 26 Rancho San Diego. If approved, this request would result in current year costs of \$75,000 in CSA 26 Rancho San Diego. The funding source is available prior year fund balance in the CSA 26 Rancho San Diego Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. SUBJECT: GILLESPIE FIELD - NEW AVIATION LEASE WITH CIRCLE AIR GROUP, LLC (DISTRICT: 2)

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego's (County) Department of Public Works (DPW) within the municipal limits of the City of El Cajon. The airport includes 19 aviation leases and is a gateway to and from San Diego's east county providing infrastructure, facilities, and services to corporate and general aviation communities. Leasing of airport property generates lease revenue within the airport enterprise fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users.

On May 25, 2011 (1), the Board of Supervisors approved a 30-year aviation lease with Raven Aeronautical Holdings, LLC. for aircraft repair, storage, and other aviation-related uses, which commenced on June 21, 2011 and is scheduled to terminate on June 20, 2041. The lease was subsequently assigned to Circle Air Group, LLC (Circle Air). The lease was amended on October 5, 2016 (5) to revise the lender's protection provisions for purposes of financing. Circle Air has requested additional terms to extend its cumulative tenancy on the leasehold to 50 years, as allowed by Government Code Section 50478. The Circle Air lease could be extended through 2061. Circle Air opted to make improvements to the property in excess of \$2.4 million. Extending the lease would allow Circle Air to benefit from their investment. Their improvements also support the County's interest in more sustainable properties, and the improvements made will become the property of the County at the end of the lease term, adding value to the County's property inventory. As a result, DPW and Circle Air have negotiated a new lease as summarized below.

This is a request to approve a new 41-year, 6-month, and 20-day aviation lease to replace the existing lease with Circle Air, beginning on December 1, 2019 and ending on June 20, 2061. Approval of this action would provide the County with updated lease language, including environmental sustainability provisions, and increased rental revenue. If the proposed action is approved, current fiscal year revenue would increase by \$3,941 over the budgeted amount.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendment is categorically exempt from CEQA review as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Lease with Circle Air Group, LLC Inc. (County Contract No. 320006) **(4 VOTES)**

FISCAL IMPACT

Revenues resulting from this request are partially included in the Fiscal Year 2019-20 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$130,661 in Fiscal Year 2019-20, an increase of \$3,941 over the amount budgeted. The funding source for the additional revenue is increased rental payments from the lessee under the terms of the new lease. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 6. **SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE THE ELEVENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE VALLEY CENTER PARKS AND RECREATION DISTRICT AND THE COUNTY OF SAN DIEGO (DISTRICT: 5)**

OVERVIEW

The Valley Center Parks and Recreation District (VCPRD) is a community services district in the unincorporated community of Valley Center that owns and operates parks and recreational facilities for the benefit of its residents, funded by property taxes on properties within its service area. On December 13, 1994 (79), the Board of Supervisors approved a Joint Exercise of Powers Agreement (JEPA) to fund recreational improvements within the VCPRD. To date, there have been ten amendments to the JEPA, which have provided Park Lands Dedication Ordinance (PLDO) and other funds for land acquisition and active recreation improvements that are operated and maintained by VCPRD.

VCPRD has proposed to rehabilitate the existing Adams Park Community Pool. These improvements include Americans with Disabilities Act (ADA) improvements to increase access, pool resurfacing, rehabilitating solar heating system for energy efficiency, installing new pool decking surface to improve safety and a new Wi-Fi equipment controller system to maximize efficiency of all equipment. The Department of Parks and Recreation has evaluated the proposed improvements and determined that the funding request is reasonable and appropriate for the use of PLDO funds.

The requested action will authorize the Director, Department of Parks and Recreation to execute the Eleventh Amendment to the JEPA with VCPRD and will establish appropriations of \$320,000 in the PLDO Area 38 Valley Center Fund based on available prior year fund balance for pool and park improvements at Adams Park. If approved, construction is expected to begin in fall 2019 with completion anticipated in winter 2019.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
2. Establish appropriations of \$320,000 in Park Lands Dedication Ordinance Area 38 Valley Center Fund, for recreational facility improvements at Adams Park Community Pool based on available prior year fund balance. **(4 VOTES)**
3. Authorize the Director, Department of Parks and Recreation, or designee, to execute the Eleventh Amendment to Joint Exercise of Powers Agreement with the Valley Center Parks and Recreation District for the development of recreation facilities in the community of Valley Center.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan for the Park Lands Dedication Ordinance (PLDO) Area 38 Valley Center Fund. If approved, this request will result in current year costs of \$320,000 in the PLDO Area 38 Valley Center Fund for pool, park and recreation improvements at Adams Park. The funding source is available prior year PLDO Area 38 Valley Center Fund fund balance. There will be no change in net General Fund cost and no additional staff years. Annual operations and maintenance costs of the improvements will be the responsibility of the Valley Center Parks and Recreation District.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: SET A HEARING FOR 12/11/2019:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO
CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA
FLECHA IN THE SAN DIEGUITO AREA - VACATION NO. 2019-0104
(11/20/2019 SET HEARING TO VACATE; 12/11/2019 HOLD HEARING
(DISTRICT: 5)**

OVERVIEW

The Department of General Services, Real Estate Services Division is processing a request to conditionally vacate portions of La Granada and La Flecha. The two roads are in the unincorporated Rancho Santa Fe area of the County and are within the San Dieguito Community Plan Area. A vacation of public roads may be requested by the public if the road is found to be excess right of way not required for road purposes. In this case the road easement vacation is a public benefit through improved use of the land made available by the vacation.

Today's request requires two steps. On November 20, 2019, the Board of Supervisors (Board) is requested to set a hearing for December 11, 2019 and direct the Clerk of the Board to publish public notice of the hearing. If the Board takes the actions recommended on November 20, 2019, then on December 11, 2019, the Board is requested to approve the partial road vacations.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On November 20, 2019:

1. Set a hearing for December 11, 2019, at which time the Board of Supervisors may consider approving the partial conditional road vacation of La Granada and La Flecha.
2. Direct the Clerk of the Board to publish notice of the December 11, 2019 hearing via publication and postings as required by law.

If on November 20, 2019, the Board takes the actions recommended in Items 1-2 above, then, on December 11, 2019:

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA FLECHA IN THE SAN DIEGUITO AREA (VACATION NO. 2019-0104).
2. Direct the Clerk of the Board to record the Resolution for Vacation No. 2019-0104 pursuant to Streets and Highways Code Section 8325 upon satisfaction of the conditions set forth in the Resolution.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, and set a Hearing for December 11, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: COLE GRADE ROAD IMPROVEMENT PROJECT: FINAL ENVIRONMENTAL IMPACT REPORT, NEGOTIATION AND ACQUISITION OF RIGHT-OF-WAY, AND FORMATION OF UNDERGROUND UTILITY DISTRICT (11/20/19 - FIRST READING; 12/11/19 - SECOND READING AND ADOPTION) (DISTRICT: 5)**

OVERVIEW

Cole Grade Road is a 7.88 mile, heavily traveled road in Valley Center between Valley Center Road and State Route 76. The majority of the road currently exists as a two-lane road with narrow road shoulders. In many locations, traffic flow is impeded during peak hours because vehicles must slow down for other motorists making left-turns into cross streets or driveways. The Cole Grade Road Improvement Project (Project) will construct improvements to 2.83 miles of road between Fruitvale Road and Pauma Heights Road, which will improve traffic flow and increase safety by adding a center two-way left turn lane. The Project will add bicycle lanes in both directions and a trail along the west side of the road. The Project also proposes replacement and improvements to the existing stormwater crossings traversing Cole Grade Road and installation of "Green Street" drainage features, incorporating vegetation to cleanse stormwater runoff, adjacent to the existing road.

The addition of the center two-way left turn lane, bicycle lanes, and trail will require widening Cole Grade Road within the project limits and acquisition of right-of-way easements will be needed from 62 properties. The Project proposes moving the existing overhead power poles and utility lines underground to improve the appearance of the community by reducing visual impacts, and to improve reliability through fewer power outages. The undergrounding will also increase safety by eliminating a potential source of wildfire ignition and reducing obstructions in the right-of-way. The undergrounding of utilities will be accomplished by the formation of a County of San Diego (County) Underground Utility District (UUD).

The Department of Public Works (DPW) completed a Draft Environmental Impact Report (EIR) for this Project which was circulated for public review from January 19, 2018 to March 5, 2018. Although the Project's current design minimizes impacts to oak trees as much as possible, it was determined that the Project will result in a significant impact as a result of the removal of 177 mature oak trees that are greater than five inches in diameter. In order to mitigate this impact, the County has developed a planting plan to replace each oak tree with two trees that will vary in size and be native to the Valley Center area. A landscape architect and arborist will provide guidance on tree location and design for planting success. Because the replacement oak trees will be smaller and it will take several years for the trees to grow to maturity, it was determined that the Project will result in significant unmitigable effects to visual character and scenic vistas. In order for the project to proceed, the Board of Supervisors (Board) will need to adopt a Statement of Overriding Considerations that the benefits to improved traffic safety and flow, improved access for bicyclists, pedestrians, and equestrians, and improved drainage outweigh the near to mid-term impacts to visual character and scenic vistas. The certification of the Final EIR, adoption of the related California Environmental Quality Act findings for mitigation of significant impacts, and adoption of a Statement of Overriding Considerations for the impact that cannot be mitigated, will conclude the environmental phase.

This is a request to certify the Final EIR, adopt the related California Environmental Quality Act findings for mitigation of significant impacts, adopt a Statement of Overriding Considerations for the impact to both visual character and scenic vistas, authorize negotiation and acquisition of right-of-way required for construction of this Project, and to adopt a resolution declaring a portion of County-owned property along the Project as public highway. This is also a request to form a UUD, which will require two hearings. If the Board takes action on November 20, 2019 to adopt a Resolution of Intention, then on December 11, 2019, a second reading of the Ordinance will be needed to establish the UUD.

Design, right-of way acquisition, and where necessary eminent domain processes are anticipated to take approximately two years. If these actions are approved, DPW will return to the Board of Supervisors after right-of way acquisition is complete to request approval to advertise and award a construction contract for the Project. The roadwork on Cole Grade is estimated at \$23 million, the utility undergrounding is estimated at \$16 million, for a total construction contract estimated at \$39 million.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Certify that the Final Environmental Impact Report (EIR) dated March 2019, SCH No. 2015121090, has been completed in compliance with California Environmental Quality Act (CEQA) and the State CEQA Guidelines, that the EIR was presented to the Board of Supervisors (Board), that the Board reviewed and considered the information contained therein, and that the Final EIR reflects the independent judgment and analysis of the Board. (Attachment B)
2. Adopt the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of the State CEQA Guidelines. (Attachment C)
3. Adopt the Statement of Location and Custodian of Record. (Attachment E)
4. Adopt the Statement of Overriding Considerations pursuant to Section 15093 of the State CEQA Guidelines. (Attachment F)
5. Adopt the determination that recirculation of the Final EIR is not required pursuant to Section 15088.5 of the State CEQA Guidelines. (Attachment G)
6. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of the State CEQA Guidelines. (Attachment H)
7. Authorize the Director, Department of General Services, to commence negotiations and acquire right-of-way needed to construct the Cole Grade Road Improvement Project.
8. Adopt a Resolution entitled: DECLARATION OF A PORTION OF COUNTY PROPERTY FOR PUBLIC HIGHWAY. (Attachment I)
9. Adopt a Resolution setting a public hearing for December 11, 2019 entitled: RESOLUTION OF INTENTION TO FORM UNDERGROUND UTILITY DISTRICT NO. 116, COLE GRADE ROAD. (Attachment J)

10. If the Board adopts the Resolution of Intention in accordance with Recommendation No. 9, introduce (first reading), read title, and waive further reading of the following Ordinance: AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116. (Attachment K)

If the Board takes the recommended actions on November 20, 2019, take the following action on December 11, 2019:

Adopt the following Ordinance (second reading):

AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116. (Attachment K)

FISCAL IMPACT

Funds for the request to acquire right-of-way are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, right-of-way acquisition costs and revenue for the Cole Grade Road Improvement Project are estimated at \$750,000 for all easements required from 62 properties. The funding source is local sales tax from TransNet. There will be no change in net General Fund cost and no additional staff years.

The utility undergrounding project costs for the Cole Grade Road Improvement Project fall within the scope of California Public Utilities Commission (CPUC) Rule 20A and therefore are not paid from County of San Diego funds. Because utility undergrounding will occur during construction, the County plans to fund all construction costs upfront and be fully reimbursed by the utility companies based on actual costs when the Project is complete. The County will not award a construction contract until after the reimbursement agreement is finalized. SDG&E will use the 20A funds for electric-related costs and the telephone and cable companies will use funds from their capital budgets. The total added cost to construction for all utility undergrounding on Cole Grade Road is estimated at \$16.0 million, with no cost to property owners.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-178, entitled: DECLARATION OF A PORTION OF COUNTY PROPERTY FOR PUBLIC HIGHWAY; and,

Resolution No. 19-179, entitled: RESOLUTION OF INTENTION TO FORM UNDERGROUND UTILITY DISTRICT NO. 116, COLE GRADE ROAD; and, introduced the Ordinance for further Board consideration and adoption on December 11, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

This is a request for the Board to consider options for amending Board Policy I-137: Processing Inactive Projects (Policy I-137). Policy I-137 states its purpose is to increase efficiency and decrease costs for customers by developing a program that reduces the ongoing administrative management and costs of processing privately initiated discretionary permit applications with a history of inactivity.

Staff is presenting the following options for Board consideration:

1. Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.
2. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.
3. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.
4. Delete Board of Supervisors Policy I-137.
5. Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity.

Today's request is to provide direction on a preferred option for Board Policy I-137.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the Board of Supervisors Policy do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Provide direction on the options described below for the processing of inactive permit applications in the unincorporated area and direct Planning & Development Services to implement the Board preferred option or alternative option.

Option 1: Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.

Option 2: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.

Option 3: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.

Option 4: Delete Board of Supervisors Policy I-137.

Option 5: Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity and direct staff to return to the Board with the revisions to the Regulatory Code.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. Applicants are responsible for paying all costs associated with processing idle projects. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors took the following actions:

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, found that actions to amend the Board of Supervisors Policy do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Amended and adopted Option 5: Return to the Board with a draft ordinance modifying the County Code to establish that an inactive permit application be withdrawn after two consecutive years of inactivity, with the option for the applicant to request an extension of an inactive permit application by an additional two years, plus an option for the applicant to request an extension of the inactive permit application for an additional two years due to extenuating circumstances, for a total length of time not to exceed six years; and modifying the County Code to include a definition of the term "inactive permit application" and a definition of the term "extenuating circumstances" that would warrant an extension of an inactive permit application for a period of up to six years.

3. Directed the Director of Planning and Development Services to review the remaining 124 idle projects, notify the applicants of the option to withdraw their projects within 60 days, and directed the Chief Administrative Officer to return to the Board with proposed criteria by which the Director of Planning and Development Services could recommend denial of an inactive permit application.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

10. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)

OVERVIEW

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

The proposed actions include: adoption of an Ordinance amending one County Regulatory Code (Title 6); approval of amendments for thirteen Board Policies (I-024, I-060, I-078, I-080, I-092, I-098, I-100, I-104, I-105, I-111, I-115, I-117). The proposed action also includes approval of a new sunset review date for the policies and ordinances reviewed by this letter, but do not have recommended revisions.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the County of San Diego (County) Administrative Code, Code of Regulatory Ordinances, and Board of Supervisors Policies do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Establish the new sunset review date of December 31, 2026 for the following title of the County of San Diego (County) Administrative Code:
 - a. *Article XII-B: Department of Agriculture- Weights and Measures*
3. Approve the introduction of the ordinance (First Reading), read title and waive further reading of the Ordinance entitled:
ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF ENVIRONMENTAL HEALTH PROGRAMS.

4. Approve amendments to and establish the sunset review date of December 31, 2026 for the following Board of Supervisors (Board) Policies:
 - a. *I-024: Establishment of Assessment Districts to Provide for Public Improvements and Facilities for Flood Control and Damage*
 - b. *I-060: Prohibition of Grading Until Annexation or Other Discretionary Actions are Completed*
 - c. *I-078: Small Wastewater Treatment Facilities*
 - d. *I-080: Covenants to Improve Off-Site Private Road Easements for Minor Subdivisions*
 - e. *I-092: Undergrounding of Utilities - Waiver Requests*
 - f. *I-098: Expiration of Use Permit - Notification of Applicant*
 - g. *I-100: Minor Encroachments into an Open Space Easement*
 - h. *I-104: Policy and Procedures for Preparation of Community Design Guidelines*
 - i. *I-105: Mobile Home Park Conversion Policy*
 - j. *I-111: Land Use Policy for Discretionary Permits Adjacent to the International Border*
 - k. *I-115: Limitations on Continuances by Hearing Bodies*
 - l. *I-117: Banking Mitigation Policy*

5. Establish the sunset review date of December 31, 2026 for the following Board Policies that have been reviewed by staff and do not have recommended changes:
 - a. *I-048: Extending Sewer Lines Within the San Diego County Sanitation District*
 - b. *I-051: Connection to Interceptor Sewers Within the San Diego County Sanitation District*
 - c. *I-091: Policy for Use of Irrevocable Letters of Credit in Lieu of Cash Payments for Sewer Capacity Commitments for Major Subdivisions Within the San Diego County Sanitation District*

If on November 20, 2019, the Board takes the action in Recommendation 3, then on December 11, 2019:

Consider and adopt the Ordinance entitled (Second Reading):

ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF ENVIRONMENTAL HEALTH PROGRAMS.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on December 11, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. SUBJECT: ADOPT A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF GRANT FUNDING FROM THE BUILDING HOMES & JOBS ACT (DISTRICTS: ALL)

OVERVIEW

On October 30, 2019 (7), staff requested authorization from the Board of Supervisors (Board) to apply for funding from Senate Bill 2 (SB-2), the Building Homes and Jobs Act, Planning Grants Program to develop two programs: a Density Bonus Program for Middle-Income Housing, and an Inclusionary Housing Program or Ordinance. At that hearing, the Board directed staff to return with an alternate funding request to develop an Accessory Dwelling Unit (ADU) subsidy program to encourage the construction of ADUs in the unincorporated county.

SB-2, enacted in 2017, directed the State of California Department of Housing and Community Development to establish the SB-2 Planning Grants Program to provide financial and technical assistance to local governments to prepare, adopt, and implement plans that streamline housing approvals and accelerate housing production using funding from recording fees placed on real estate documents. The first year of SB-2 funding (collected from January 1, 2018 - December 31, 2018) is dedicated to the Planning Grants Program. This funding is now available for planning grants to local agencies. The State is allocating funding from the Planning Grants Program on a non-competitive basis based on a jurisdiction's size. The County of San Diego (County) is considered a large jurisdiction, defined as greater than 200,000 people, and therefore is eligible to receive a maximum of \$625,000.

Today's request is for the Board to adopt a resolution authorizing the Director of Planning & Development Services to submit, negotiate, and sign all documents necessary to secure grant funding of \$625,000 from the State of California Department of Housing and Community Development in accordance with the Planning Grants Program guidelines. No waiver of Board Policy B-29, Fees Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is needed as part of this grant application. Additionally, the Board is requested to direct the Chief Administrative Officer to develop an ADU subsidy program to encourage the construction of ADUs for vulnerable populations such as seniors, veterans, and low-income individuals or households in the unincorporated county and return to the Board for consideration. Should the entire \$625,000 not be required to develop the ADU subsidy program, staff recommends using any excess SB-2 grant program funding to support other Housing Affordability efforts, consistent with the Planning Grants Program guidelines, such as updating community plan land use and design guidelines to ensure realization of General Plan densities, allowing for streamlined environmental review, and identifying financing sources for both public and private improvements.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's action not a project under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(4) because it involves "the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS (Attachment A, on file with the Clerk of the Board).
3. Direct the Chief Administrative Officer to develop an Accessory Dwelling Unit (ADU) subsidy program to encourage the construction of ADUs for vulnerable populations such as seniors, veterans, and low-income individuals or households in the unincorporated county and return to the Board of Supervisors for consideration. Should the entire \$625,000 not be required to develop the ADU subsidy program, staff recommends using any excess SB-2 grant program funding to support other Housing Affordability efforts such as updating community plan land use and design guidelines to ensure realization of General Plan densities, allowing for streamlined environmental review, and identifying financing sources for both public and private improvements.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. No matching funds are required by the SB-2 Planning Grants Program application. Costs for the implementation of an Accessory Dwelling Unit (ADU) subsidy program have yet to be identified. Upon Board of Supervisors (Board) direction, staff would return to the Board with associated implementation and subsidy costs, and a request for additional appropriations as needed, for which funding could impact the availability of General Fund resources, including General Purpose Revenue and/or available General Fund fund balance. The Board could also direct staff to identify and apply for grant funding for implementation.

If the Board adopts the Resolution and the State Department of Housing & Community Development accepts the County's SB-2 Planning Grants Program application, the County may be awarded the requested maximum funding of \$625,000 during Fiscal Year 2019-20 to Fiscal Year 2021-22. If awarded, the funds would be used for the development of an ADU Subsidy Program, as previously directed by the Board. Grant funding is estimated in an amount sufficient to recover the full cost of these activities, as required by Board Policy B-29, Fees Grants, Revenue Contracts - Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-180, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB-2 PLANNING GRANTS PROGRAM FUNDS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

12. SUBJECT: TRAFFIC ADVISORY COMMITTEE (11/20/2019 - ADOPT RECOMMENDATIONS; 12/11/2019 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 2, 3, & 5)

OVERVIEW

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide the communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road system with consistent and uniform regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County-maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering studies and studies of traffic conditions.

The TAC recommends the Board act on six items from the September 13, 2019, meeting agenda and three items from the October 25, 2019, meeting agenda:

TRAFFIC ADVISORY COMMITTEE 09-13-19 MEETING

- Item 5-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from Mission Road to White Horse Lane (private road) in Fallbrook. Although the current speed limit ordinance is for 45 MPH, the roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 42.5 MPH. Road operating conditions and measured speeds allow for a speed reduction to a 40 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-B is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from White Horse Lane (private road) to Morro Hills Road in Fallbrook. The roadway is currently posted with a 50 MPH speed limit and measured speeds averaged 51.4 MPH. Road operating conditions including collision experience, roadway geometry, and measured speeds that allow for a speed reduction to a 45 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-C is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from Morro Hills Road to State Route 76 in Fallbrook/Bonsall. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 47.0 MPH. Measured speeds support the existing 45 MPH posted speed limit along with the use of radar for enforcement.

- Item 5-D is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will certify the use of radar for speed enforcement on Reche Road from Stage Coach Lane to Gird Road in Fallbrook, revising the eastern limit from Live Oak Park Road to Gird Road. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 43.8 MPH. Road operating conditions including similar roadway characteristics, and measured speeds that allow for a speed reduction to a 40 MPH posted speed limit along with the use of radar for enforcement as well as a revision of the western limit.
- Item 5-E is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will combine the segment portion of Reche Road from Live Oak Park Road to Gird Road with the segment of Reche Road from Stage Coach Lane to Live Oak Park Road (Item 5-D) and the segment portion of Reche Road from Gird Road to Via Vista with the segment of Reche Road from Via Vista Road to Old Highway 395 (Item 5-F). The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 39.5 MPH. Road operating conditions including roadway geometry, and measured speeds support combining the two portions of this segment with the segments of Items 5-D and 5-F.
- Item 5-F is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will certify the use of radar for speed enforcement on Reche Road from Gird Road to Old Highway 395 in Fallbrook, revising the western limit from Via Vista to Gird Road. The 700 foot long portion of Reche Road from Gird Road to Via Vista that currently has a 40 MPH speed limit serves as a transition from the traffic signal at Gird road to the straighter portions of eastern Reche Road and will fall within the 45 MPH segment. As this short segment already has curve advisory speeds, the increase in speed limit on this short segment will not negative affect traffic operations and the segment will benefit from a logical speed limit transition at the Gird Road traffic signal. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 48.7 MPH. Road operating conditions including roadway geometry, and measured speeds support the existing 45 MPH posted speed limit along with the use of radar for enforcement as well as a revision of the western limit.

TRAFFIC ADVISORY COMMITTEE 10-25-19 MEETING

- Item 2-A is a review to establish an all-way stop at the intersection of Wieghorst Way & Calle Simpson in Rancho San Diego at the request of area residents. The intersection of Wieghorst Way & Calle Simpson meets the California Manual on Uniform Traffic Control Devices (CA MUTCD) criteria for all-way stop based on limited sight distance at the intersection of the two roadways. Approval of this item would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter the intersections at a low speed and have more time to take heed of the traffic situation.

- Item 3-A is a review requested by an area resident to assess the current speed limit posting on Elfin Forest Road from the San Marcos City Limits to Harmony Grove Road in Elfin Forest. The roadway is currently posted with a 50 MPH speed limit and measured speeds averaged 49.5 MPH. These measured speeds allow for a speed reduction to a 45 MPH posted speed limit along with the use of radar for enforcement. Approval of this item would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and support law enforcement officers in court.
- Item 5-A is to establish a traffic control signal at Old Highway 395 & Rainbow Glen Road in the community of Rainbow. Two of the nine warrants used to determine the need for signalization, as per the CA MUTCD, requires a review of traffic conditions during the peak hour of traffic. The analysis indicated there is a significant volume of traffic entering the intersection from the minor approach during any four hours a day and an undue delay on Rainbow Glen Road when entering or crossing Old Highway 395 during the peak traffic hour. A traffic control signal will provide better allocation of right of way and benefit the intersection's existing operating conditions. Properly posted traffic control signals at intersections reduce the frequency and severity of certain types of crashes, especially right-angle collisions, by providing for the orderly movement of traffic and interrupting heavy traffic at intervals to permit other traffic to cross.

Approval of Items 5-A through 5-F from the September 13, 2019, meeting and Item 3-A from the October 25, 2019, meeting would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

Approval of Item 2-A from the October 25, 2019, meeting would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

Approval of Item 5-A from the October 25, 2019, meeting would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning right of way to the various traffic movements at the intersection. Properly posted traffic control signals at intersections reduce the number and severity of collisions by assuring providing for the orderly movement of traffic and interrupting heavy traffic at intervals to permit other traffic to cross. The Board's action on Item 5-C from the September 13, 2019, meeting and Items 2-A and 5-A from the October 25, 2019, meeting does not require a second hearing and Board direction on November 20, 2019 would allow implementation by DPW. The Board's action on Items 5-A, 5-B, 5-D, 5-E, & 5-F from the September 13, 2019, meeting and Item 3-A from the October 25, 2019, meeting would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On November 20, 2019, the Board would consider the TAC items. If the Board takes action on November 20, 2019, then on December 11, 2019, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE (09-13-19)

District 5:

Item 5-A. Olive Hill Road from Mission Road to White Horse Lane (private road) in Fallbrook - Reduce the 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

Item 5-B. Olive Hill Road from White Horse Lane (private road) to Morro Hills Road in Fallbrook - Reduce the 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement.

Item 5-C. Olive Hill Road from Morro Hills Road to State Route 76 in Fallbrook/Bonsall - Recertify the existing 45 MPH speed limit for radar enforcement.

Item 5-D. Reche Road from Stage Coach Lane to Gird Road in Fallbrook - Establish a 40 MPH speed limit and certify the speed limit for radar enforcement.

Item 5-E. Reche Road from Live Oak Park Road to Via Vista in Fallbrook - Delete this speed limit segment. The portion from Live Oak Park Road to Gird Road is moved into an adjacent western segment of Reche Road with a 40 MPH speed limit (Item 5-D) and the portion from Gird Road to Via Vista is moved into an adjacent eastern segment of Reche Road with a 45 MPH speed limit (Item 5-F).

Item 5-F. Reche Road from Gird Road to Old Highway 395 in Fallbrook - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

TRAFFIC ADVISORY COMMITTEE (10-25-19)

District 2:

Item 2-A. Wieghorst Way & Calle Simpson in Rancho San Diego - Establish an all-way stop at the intersection.

District 3:

Item 3-A. Elfin Forest Road from San Marcos City Limits to Harmony Grove Road - Reduce the 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Old Highway 395 & Rainbow Glen Road in Rainbow - Place intersection on the County's Traffic Signal List for design and construction.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control issues on County maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.

3. Adopt the following Resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO (Items 2-A from 10-25-19).

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 2-A from 10-25-19).

4. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.45.1., 72.169.74.2., 72.169.74.3., 72.169.76., AND 72.169.77. AND DELETING SECTION 72.169.77.1 OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A, 5-B, 5-D, 5-E, and 5-F from 09-13-19 and Item 3-A from 10-25-19).

If, on November 20, 2019, the Board takes action as recommended, then, on December 11, 2019:

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.45.1., 72.169.74.2., 72.169.74.3., 72.169.76., AND 72.169.77. AND DELETING SECTION 72.169.77.1 OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A, 5-B, 5-D, 5-E, and 5-F from 09-13-19 and Item 3-A from 10-25-19).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-181, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO;

Resolution No. 19-182, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY; and, introduced the Ordinance for further Board consideration and adoption on December 11, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

13. SUBJECT: ESTABLISH THE PALOMAR MOUNTAIN COMMUNITY SPONSOR GROUP (DISTRICT: 5)

OVERVIEW

County planning is more responsive to local needs if there is a high level of citizen participation in the planning process. There are currently 26 local advisory planning and sponsor groups representing the communities of the unincorporated area for the purpose of advising the Director of Planning & Development Services, the Zoning Administrator, the Planning Commission, and the Board of Supervisors (Board) in the preparation, amendment and implementation of community and subregional plans. These local advisory groups are governed by Board Policy I-1.

The Palomar Mountain Planning Organization (PMPO) is an existing nonprofit, membership organization that provides guidelines for future economic, social and physical development of the community; however, PMPO is not a planning or sponsor group as outlined in Board Policy I-1.

Palomar Mountain residents and PMPO members alike have requested that a community sponsor group be formed to better represent the community. Today's request directs the Chief Administrative Officer to establish the Palomar Mountain Community Sponsor Group.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND

1. Establish the Palomar Mountain Community Sponsor Group and determine that the authorized membership of the Palomar Mountain Sponsor Group shall be a total of nine (9) authorized members effective January 1, 2020 pursuant to Board of Supervisors Policy I-1.
2. Initially seats 1, 3, 5, 7, 9 shall hold a term of two years, seats 2, 4, 6, 8 shall hold a term of four years. Thereafter all seats shall be for four years.
3. Recognize the Palomar Mountain Sponsor Groups Area as the existing Palomar Mountain Subregional Area as depicted in the County of San Diego's General Plan.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Cox, the Board of Supervisors took the following action:

1. Established the Palomar Mountain Community Sponsor Group and determined that the authorized membership of the Palomar Mountain Sponsor Group shall be a total of seven (7) authorized members effective January 1, 2020 pursuant to Board of Supervisors Policy I-1.
2. Initially seats 1, 3, 5, 7 shall hold a term of two years, seats 2, 4, 6 shall hold a term of four years. Thereafter all seats shall be for four years.

3. Recognized the Palomar Mountain Sponsor Groups Area as the existing Palomar Mountain Subregional Area as depicted in the County of San Diego's General Plan.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**14. SUBJECT: CLOSED SESSION (CARRYOVER FROM 11/19/19 AGENDA NO. 27)
(DISTRICTS: ALL)**

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Louise LaFoy v. County of San Diego, et al., San Diego County Superior Court No. 37-2018-00029453-CU-WT-CTL
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Wanda Yarborough v. County of San Diego, et al.; San Diego County Superior Court No. 37-2019-00031415-CU-PA-CTL
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
United States of America v. State of California, et al.; Supreme Court of the United States No. 19-532
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code section 54956.8)
Property: APN 564-471-11

Negotiating Parties:

County: Marko Medved and Jody Mays

Other: Parking Authority of the City of National City

Under Negotiation: Terms

ACTION:

County Counsel reported that for Closed Session on November 20, 2019, the Board of Supervisors took the following action:

Item C: United States of America v. State of California, et al, by a vote of 3-2, with Supervisors Cox and Fletcher voting no, authorized County Counsel to join in an amicus brief filed in the United States Supreme Court supporting the United States' petition for a writ of certiorari seeking to overturn an order dismissing the federal government's lawsuit challenging California state immigration laws.

15. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Robert Germann spoke to the Board regarding Gillespie Field safety.

Shynita Phillips spoke to the Board regarding child welfare services.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:25 a.m. in memory of Maribel Merino Ibañez, Dr. Walter Shaw, John Robbins, Sabrina Rosario, Zeth Valdivia, Zuriel Valdivia, Enzi Valdivia, Julie Davis, Elizabeth Cox, Annie Clave, and Fahari Jeffers.

ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Santiago

Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday December 11, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

11/20/19